GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

The A.P. Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986 (Act No.1 of 1986) – Order of detention made by the Collector & District Magistrate, Chittoor District, Chittoor in respect of **Sri Syed Fayaz @ Fiyaz, S/o Mohimuddin @ Chand Basha,** aged 41 years, Katikanahalli, Hoskot Taluk, Bangalore District, Karnataka State – Confirmed - Orders – Issued.

GENERAL ADMINISTRATION (SC.I-L&O) DEPARTMENT

G.O.RT.No. 1692 **Dated: 01-08-2017**

Read the following:-

1. From the Collector & District Magistrate, Chittoor District, Chittoor, Proceedings No. REV-CSECO PDL(PRC)/5/2017-D, TH(C7), Dated 13.06.2017.
2. G.O.Rt.No. 1372, G.A.(L&O) Dept., dated 21.06.2017.
3. Govt. Letter No.103/SC.I-L&O/A3/2017-2, Dated 29.06.2017.
4. From the Advisory Board Report Dated 14.07.2017.

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ORDER:

WHEREAS, the Collector & District Magistrate, Chittoor District, Chittoor has made an order of detention, vide reference first read above under Section 3 (1) & (2) r/w. Section 2 (a) & (g) of the Andhra Pradesh Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986 (Act No.1 of 1986), against **Sri Syed Fayaz @ Fiyaz, S/o Mohimuddin @ Chand Basha,** aged 41 years, Katikanahalli, Hoskot Taluk, Bangalore District, Karnataka State, for illicit cutting, stocking and transportation of Red Sanders heartwood causing tremendous loss of National Wealth repeatedly, depletion of green cover resulting in adverse ecological balance having ramification on the health and well being of the public property and subsequently smuggling the same to Chennai/Bangalore and other unknown places, this activities are prejudicial to the maintenance of public order;

2. AND WHEREAS, the Government have accorded approval of the said detention order under sub-section (3) of Section 3 of the Act, vide Government Orders second read above;

3. AND WHEREAS, under Section 10 of the Act, Government within three weeks from the date of detention of a person under the order shall place the case before the Advisory Board on Preventive Detentions, constituted under Section 9 of the said Act, comprising of Justice Sri T.L.N. Reddy (Retired), Chairman and two other Members and the Advisory Board shall submit its report to Govt., within seven weeks from the date of detention under Section 11(1) of the said Act. The above said case was placed before the Advisory Board for its consideration and to submit its report to Government, under Section 11 (1) of the said Act, vide reference 3rd read above. The case was reviewed by the Advisory Board on 14.07.2017. After having heard the detenue besides his Wife, Smt. Shama Khanum, his Father, Sri Syed. Mohiuddin and his Father-in-Law, Sri Ghouse Khan and perused the representation of the detenue. And the request of the detenue to engage an advocate is rejected. And also perused the report dated 30.06.2017 of Collector & District Magistrate, Chittoor on the representation of the Father of the detenue and the Investigating Officers and also upon perusing the grounds of detention and the connected records, has reported that in its opinion, "there is sufficient cause for the detention of the detenue, "**Sri Syed Fayaz @ Fiyaz, S/o Mohimuddin @ Chand Basha,** aged 41 years, Katikanahalli, Hoskot Taluk, Bangalore District, Karnataka State**";**

4. AND WHEREAS, the Government on careful examination of the entire record and the report of the Collector & District Magistrate, Chittoor District, Chittoor dated 30.06.2017, the representation of the Father of the detenue, to set-aside the detention order, is hereby rejected. It is observed that the detenue, **Sri Syed Fayaz @ Fiyaz, S/o Mohimuddin @ Chand Basha,** aged 41 years, Katikanahalli, Hoskot Taluk, Bangalore District, Karnataka State, was involved in as many as in 5 (Five) cases. The above cases were registered against him, under the provisions of Section 20, 29, 36 r/w 32 of A.P. Forest Act, Amendment Act, 1967; r/w Rule 3 & 4 of A.P. Red Sandal Wood & Red Sanders Wood Transit Rules 1969; 55 (1)(2)&(6) and 58 of Biological Diversity Act, 2002; Section 447,427,307,353,379,109 & 120 (B), IPC r/w 34 & 411 IPC & Section 3 of PDPP Act 1984 and Section 25(i)&30 Arms Act, 1959; 29 of Wild Life Protection Act, 1972 The details shows that he is a habitual offender. He is committed a series of forest offences by

(PTO)

entering Government Reserve Forests without proper authorisation, serving standing red sanders trees from the earth, and trying to smuggle the highly valuable red sanders heart wood to secret destinations in Bangalore/ Chennai and other un-known places. He is repeatedly committing forest offences involving the smuggling of red sanders, he has not stopped the same type of offences, even after cases and charge sheets were filed against him. It is also evident from the case records that he is engaging huge number of persons in the clandestine business and they were arrested along with the red sander stock at the time of cutting of tress and during transportation. The said activities are dangerous to forest wealth and prejudicial to maintenance of public order apart from disturbing the peace, tranquillity, social harmony / order in the society and he became a source of potential danger to the public. The said offences are punishable under Forest Act, 1967 and the rules made there under, as well as Chapter XVI or XVII or XXII of IPC. As such the activities of the individual falls under and within the meaning of 'Goonda' as defined under section 2(g) of Act 1 of 1986. All the incidents mentioned in the grounds of detention clearly substantiate as to how the acts of the detenu are prejudicial to the maintenance of public order. In catena of decisions, the Hon'ble Courts held that any acts of attempt or illegal cutting of the red sander trees and smuggling the timber, would certainly have its impact on the public order. The detaining authority having taken into account and consideration of indulgence of the detenue in the above said activities repeatedly at regular intervals and having satisfied that the penal laws have failed to curb his illegal activities, has passed the detention order against the detenue by invoking the provisions under the Act 1of 1986, in order to prevent him from indulging further in such activities, which are prejudicial to maintenance of public order and dangerous to forest wealth. The Advisory Board after review of the case, has opined that there is sufficient cause for the detention of the detenu. As such, the detenu deserves the maximum period of detention, as provided under Section 13 of the Act;

5. Now, therefore, after due consideration of the report of the Advisory Board and the material available on record, Government, in exercise of the powers conferred under sub-section (1) of Section 12 read with Section 13 of the said Act, hereby confirm the Order of Detention made by the Collector & District Magistrate, Chittoor District, Chittoor in the reference 1st read above, as approved in the G.O. 2nd read above and direct that the detention of **Sri Syed Fayaz @ Fiyaz, S/o Mohimuddin @ Chand Basha,** aged 41 years, Katikanahalli, Hoskot Taluk, Bangalore District, Karnataka State, be continued for a period of 12 (Twelve) months from the date of his detention, i.e. 15.06.2017.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

DINESH KUMAR
CHIEF SECRETARY TO GOVERNMENT

To

Sri Syed Fayaz @ Fiyaz, S/o Mohimuddin @ Chand Basha, aged 41 years, Katikanahalli, Hoskot Taluk, Bangalore District, Karnataka State **through** the Superintendent of Jails, Central Prison, Kadapa, YSR District .

The Superintendent of Jails, Central Prison, Kadapa, YSR District
(He should serve the order on the detenu immediately under proper acknowledgement and arrange to read over and explain the contents of the same in the language known to him and report compliance to Government forthwith)

The Collector & District Magistrate, Chittoor District, Chittoor.
The Superintendent of Police, Chittoor District, Chittoor.
The Superintendent of Police, Urban Police District, Tirupathi.

Copy to:

The Director General of Police, A.P., Vijayawada.
The Director General of Prisons and Correctional Services, A.P., Vijayawada.
The Addl. Director General of Police (Intelligence), A.P., Vijayawada.
The Special Government Pleader, Attached to LAG, A.P., Hyderabad.
SC/SF.

//FORWARDED::BY ORDER//

SECTION OFFICER (SC)